

Senate Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

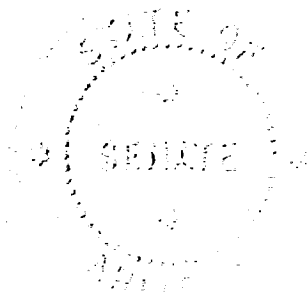
CHAPTER 43

# SENATE BILL 1172

AN ACT

AMENDING SECTION 41-2144, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF  
MANUFACTURED HOUSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2144, Arizona Revised Statutes, is amended to  
3 read:

4 41-2144. Powers and duties of board

5 A. The board shall:

6 1. Adopt rules imposing minimum construction requirements for  
7 factory-built buildings, subassemblies and components thereof which shall be  
8 reasonably consistent with nationally recognized and accepted publications  
9 or generally accepted manufacturing practices pertinent to the construction  
10 and safety standards for such item to be manufactured. Such standards shall  
11 include minimum requirements for the safety and welfare of the public.

12 2. Adopt rules imposing requirements for body and frame design and  
13 construction and installation of plumbing, heating and electrical systems for  
14 manufactured homes which are consistent with the rules and regulations for  
15 construction and safety standards adopted by the United States department of  
16 housing and urban development.

17 3. Adopt rules relating to plan approvals as to requirements for the  
18 design, construction, alteration, reconstruction and installation of units  
19 or accessory structures as deemed necessary by the board to carry out the  
20 provisions of this chapter.

21 4. Establish a schedule of fees, payable by persons, licensees or  
22 owners of units regulated by this chapter, for inspections, licenses,  
23 permits, plan reviews, administrative functions and insignia so that the  
24 total annual income derived from such fees will not be less than ninety-five  
25 per cent and not more than one hundred five per cent of the anticipated  
26 expenditures for the operation of the office of manufactured housing.

27 5. Adopt rules relating to the inspection throughout the state by the  
28 assistant director of the office of manufactured housing of the installation  
29 of manufactured homes, mobile homes, factory-built buildings and accessory  
30 structures included as part of a sales contract for a new or used mobile or  
31 manufactured home or part of an agreement to move a new or used mobile or  
32 manufactured home.

33 6. Establish and maintain licensing standards and bonding requirements  
34 for all manufacturers of manufactured homes, factory-built buildings and  
35 subassemblies regulated pursuant to this chapter.

36 7. Establish and maintain licensing standards and bonding requirements  
37 for all dealers and brokers of manufactured homes, mobile homes,  
38 factory-built buildings and subassemblies thereof who sell or arrange the  
39 sale of such products within this state.

40 8. Establish and maintain licensing standards and bonding requirements  
41 for all installers of manufactured homes, mobile homes and accessory  
42 structures and certified standards for all persons who repair these homes and  
43 structures under warranties and who are not employees of the manufacturer.

1       9. Establish and maintain licensing standards for all salespersons of  
2 manufactured homes, mobile homes and factory-built buildings. These  
3 standards shall not include educational requirements.

4       10. Adopt rules consistent with the United States department of housing  
5 and urban development procedural and enforcement regulations and enter into  
6 such contracts necessary to administer the federal manufactured home  
7 regulations.

8       11. Adopt rules imposing minimum fire and life safety requirements in  
9 the categories of fire detection equipment, flame spread for gas furnace and  
10 water heater compartments, egress windows, electrical system and gas system  
11 for mobile homes entering this state.

12       12. Adopt rules for inspections and permits for minimum fire and life  
13 safety requirements and establish fees for such inspections and permits for  
14 mobile homes entering this state.

15       13. Adopt such other rules as the board deems necessary for the  
16 director to carry out this chapter and, to the extent not authorized by other  
17 provisions of this section, adopt rules as necessary to interpret, clarify,  
18 administer or enforce this article and articles 2 and 4 of this chapter.

19       14. Adopt rules relating to the installation of manufactured homes,  
20 mobile homes, factory-built buildings and accessory structures included as  
21 part of a sales contract for a new or used mobile or manufactured home or  
22 part of an agreement to move a new or used mobile or manufactured home. This  
23 paragraph does not apply to:

24       (a) Single wide factory-built buildings that are used for construction  
25 project office purposes and that are not used by the public.

26       (b) Storage buildings of less than one hundred sixty-eight square feet  
27 that are not used by the public.

28       (c) Equipment buildings that are not used by the public.

29       15. Adopt rules relating to acceptable workmanship standards.

30       16. Adopt rules relating to issuing permits to licensees, owners of  
31 units or other persons for the installation of manufactured homes, mobile  
32 homes, factory-built buildings and accessory structures.

33       17. Adopt rules including a requirement that a permit shall be obtained  
34 before the installation of a mobile or manufactured home.

35       18. ESTABLISH STANDARDS FOR THE PERMANENT FOUNDATION OF A MANUFACTURED  
36 HOME, MOBILE HOME OR FACTORY-BUILT BUILDING.

37       B. In adopting rules pursuant to subsection A, paragraph 3, the board  
38 shall consider for adoption any amendments to the codes and standards  
39 referred to in subsection A, paragraphs 1 and 2. If the board adopts the  
40 amendments to such codes and standards, the director shall notify the  
41 manufacturers licensed pursuant to article 4 of this chapter ninety or more  
42 days prior to the effective date of such amendments.

43       G. Chapter 6 of this title does not apply to the setting of fees under  
44 subsection A, paragraph 4.

1 D. Rules adopted pursuant to subsection A, paragraph 14 shall be  
2 standard throughout this state and may be enforced by the local enforcement  
3 agencies upon installation to ensure a standard of safety. The board may  
4 make an exception to the standard if, on petition by a local jurisdiction  
5 participating in the installation inspection program, local conditions  
6 justify the exemption or it is necessary to protect the health and safety of  
7 the public. On its own motion, the board may revise or repeal any exception.

APPROVED BY THE GOVERNOR APRIL 5, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2004.



Passed the House March 29, 2004,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake  
Speaker of the House  
Spencer L. Moore  
Chief Clerk of the House

Passed the Senate February 12, 2004,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Blumenthal  
President of the Senate  
Charmian Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30th day of March, 2004,

at 12:25 o'clock P. M.

Jennifer Upbarra  
Secretary to the Governor

Approved this 5 day of

April, 2004,

at 1:50 o'clock P. M.

J. R. R. R.  
Governor of Arizona

S.B. 1172

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of April, 2004

at 2:28 o'clock P. M.

Janice K. Brewer  
Secretary of State